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IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF OREGON

RONALD NEWBERRY,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Civil No. 3:07-CV-720-BR

and Judgment
~~PROPOSED~~ ORDER FOR REMAND

Based on the stipulation of the parties, it is hereby ORDERED that the Commissioner's final decision be reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security, the Appeals Council will remand this case to the administrative law judge to: (1) clarify the Plaintiff's residual functional capacity (RFC), including his environmental restrictions; (2) obtain supplemental vocational expert testimony to address the Plaintiff's ability to do other work at step five that is within the assessed RFC; and (3) clarify any potential inconsistencies between the Plaintiff's RFC and the requirements of any work identified at step five. Plaintiff may present new arguments and further medical evidence, if such evidence becomes available. No specific aspect of the Commissioner's final decision is affirmed.

This case is reversed and remanded on the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

DATED this 27th day of December 2007.



UNITED STATES DISTRICT JUDGE

Presented By:

s/ Kathryn A. Miller
KATHRYN A. Miller
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